

# COMMONWEALTH OF MASSACHUSETTS

## TOWN OF SPENCER

### SPECIAL TOWN MEETING WARRANT

November 7, 2019

WORCESTER, SS.

To either of the Constables of the Town of Spencer in the County of Worcester, Greetings.

IN THE NAME OF THE Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at Memorial Town Hall, 157 Main Street, in said Spencer on Thursday, November 7, 2019 at 7:00 p.m. in the evening, then and there to act on the following articles:

**Article 1:**

**AUTHORIZATION TO TRANSFER MONIES BETWEEN ACCOUNTS**

To see if the Town will vote to transfer the sum of Eight Thousand Two Hundred Thirteen Dollars and No Cents (\$8,213.00) from General Insurance Expenses (Account #11900-57000) to Tantasqua Regional High School Tuition (Account #11300-52000), and to transfer the sum of Twenty Two Thousand Eight Hundred Sixty Two Dollars and No Cents (\$22,862.00) from General Insurance Expenses (Account #11900-57000) to Tantasqua Regional High School Transportation Assessment (Account #11300-52100); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 2:**

**AUTHORIZATION TO TRANSFER MONIES BETWEEN ACCOUNTS**

To see if the Town will vote to transfer the sum of One Thousand Five Hundred Dollars and No Cents (\$1,500.00) from General Insurance Expenses (Account #11900-57000) to Information Technology Expenses (Account #11155-57000) for the purpose of acquiring enhanced network security protection, including all incidental and related expenses; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 3:**

**AUTHORIZATION TO RAISE AND APPROPRIATE A SUM OF MONEY FOR THE OPEB TRUST**

To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for the fund known as the Other Post-Employment Benefits Liability Trust, or "OPEB Fund" (Account #83000-39825); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 4:**

**AUTHORIZATION TO APPROVE BORROWING BY THE SPENCER-EAST BROOKFIELD REGIONAL SCHOOL DISTRICT**

To see if the Town will vote to approve the borrowing authorized by the Spencer-East Brookfield Regional School District School Committee, in accordance with the provisions of Chapter 71, Section 16(d) of the General Laws, in the amount of Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00) for the purpose of paying the costs of a feasibility study for the renovation and/or construction or reconstruction of the David Prouty High School, located at 302 Main Street, Spencer, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee; the MSBA's grant program in a non-entitlement, discretionary program based on need, as determined by the MSBA, and any study costs shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 5:**

**AUTHORIZATION TO ESTABLISH A REGIONAL SCHOOL STABILIZATION FUND**

To see if the Town will vote, in accordance with the provisions of General Laws, Chapter 71, Section 16G<sup>1/2</sup>, to approve the establishment of a Spencer-East Brookfield Regional School District Stabilization Fund, which fund may be expended by a two-thirds vote of the entire Regional School District Committee for any purposes for which the District could borrow, or otherwise as authorized by the Secretary of Education, or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 6:**

**AUTHORIZATION TO PAY A BILL OF PRIOR FISCAL YEAR**

To see if the Town will vote to raise and appropriate or transfer from any available source of funds the sum of One Hundred Eighty One Dollars and Nine Cents (\$181.09) to Fire Department Expenses (Account #11220-57000) to pay an unpaid bill of prior fiscal year pursuant to General Laws Chapter 44, Section 64, specifically, for the purchase of equipment identification tags; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 7:**

**AUTHORIZATION TO TRANSFER MONIES TO SEWER ENTERPRISE FUND**

To see if the Town will vote to appropriate the sum of Two Thousand One Hundred Thirty Dollars and No Cents (\$2,130.00) for a Sewer Department seasonal part-time employee, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Sewer Enterprise Fund to Sewer Salaries & Wages (Account #20000-51000); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Board of Sewer Commissioners)*

**Article 8:**

**AUTHORIZATION TO TRANSFER MONIES FOR SEWER CAPITAL ACCOUNT**

To see if the Town will vote to appropriate the sum Thirty Seven Thousand, Two Hundred Ninety Nine Dollars and Eighty Six Cents (\$37,299.86) for capital projects previously approved by the Capital Improvements Planning Committee, and to meet such appropriation by transferring said sum from the following unexpended capital accounts to the Sewer Capital Account (#20000-58870):

<u>Account</u>	<u>Item</u>	<u>Amount</u>
20000-58570	Maple Street Improvement	\$26,453.00
20000-58575	WWTP Project	\$8,252.00
20000-58875	Clarifier Project	\$2,594.86
<b>Total</b>		<b>\$37,299.86</b>

or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Board of Sewer Commissioners)*

**Article 9:**

**AUTHORIZATION TO TRANSFER MONIES TO WATER CAPITAL EFFICIENCY ACCOUNT**

To see if the Town will vote to appropriate a sum of money to the Water Capital Efficiency Plan Program Account (#15000-58860) for capital projects as approved by the Capital Improvements Planning Committee, and to meet said appropriation by transferring said sum from previously certified and available Retained Earnings of the Water Enterprise Fund; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 10:**

**AUTHORIZATION TO ENTER INTO LEASE PURCHASE FINANCING AGREEMENTS**

To see if the Town will vote to authorize the Board of Selectmen to enter into lease purchase financing agreements, pursuant to General Laws, Chapter 44, Section 21C, that may be financed by the issuance of debt under this chapter or otherwise authorized by law, including by raising and appropriating or transferring from available funds a sum of money for the first payment of such agreement, for a term up to the useful life of the property, for the purpose of acquiring and equipping communication equipment for the Police Department, a utility terrain vehicle (UTV) for the Fire Department; and a cruiser for the Fire Department to be procured as determined by the Board of Selectmen, or take any other action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 11:**

**AUTHORIZATION TO APPROPRIATE MONIES TO FUND CAPITAL EXPENDITURES**

To see if the Town will vote to appropriate the sum of Three Hundred Eighty Five Thousand Dollars and No Cents (\$385,000.00) for capital equipment purchases and capital improvements, as generally illustrated below, including equipping any vehicles, and all other incidental and related expenses, and to authorize the Town to enter into lease purchase agreements for periods up to and in excess of three years; and, further, to meet said appropriation by transferring the sum of Three Hundred Eighty Five Thousand Dollars and No Cents (\$385,000.00) from previously certified and available Free Cash:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
Library / U&F	Library AC and Controls Upgrade	\$150,000.00
Highway Department	Salt Shed Replacement	\$150,000.00
Highway Department	Temp Repairs North Spencer Rd Bridge	\$50,000.00
Highway Department	Muzzy Pond Drawdown Gate	\$20,000.00
Fire Department	Cruiser (Yr. 1)	\$15,000.00
<b>Total:</b>		<b>\$385,000.00</b>

or take any action in relation thereto. *(Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator)*

**Article 12:**

**AUTHORIZATION TO TRANSFER MONIES TO FUND CAPITAL EXPENDITURES**

To see if the Town will vote to appropriate the sum of Twenty Two Thousand Three Hundred One Dollars and Six Cents (\$22,301.06) for building improvements to the South Spencer Community Center, including all incidental and related expenses, and to meet said appropriation by transferring said sum from the following unexpended capital accounts:

<u>Account</u>	<u>Item</u>	<u>Amount</u>
60000-59266	Building Study – Lake St School	\$371.40
60000-59291	Police Cruiser Replacement	\$64.50
60000-59313	Highway – Angle Snow Attachment	\$1,365.16
60000-59319	Police Records Management Upgrade	\$100.00
60000-59320	Police Cruiser Replacement	\$100.00
60000-59324	Appraisals – Sugden / Lake St School	\$100.00
60000-59325	Sugden Green Design	\$200.00
60000-59296	Wire Village School Building Study	\$20,000.00
<b>TOTAL:</b>		<b>\$22,301.06</b>

or take any action in relation thereto. *(Sponsored by the Capital Improvements Planning Committee, Board of Selectmen, and the Town Administrator)*

**Article 13:**

**AUTHORIZATION TO TRANSFER A SUM OF MONEY TO A REGIONAL FIRE TRAINING FACILITY**

To see if the Town will vote to appropriate the sum of Four Thousand Three Hundred Thirty Eight Dollars and No Cents (\$4,338.00) for the purpose of constructing a Regional Fire Training Facility, including all incidental and related expenses, and to meet this appropriation to transfer the said sum from previously certified and available Free Cash, said amount to represent the Town's contribution among ten other communities; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 14:**

**AUTHORIZATION TO AMEND A LICENSE AGREEMENT**

To see if the Town will vote to authorize renewal of a License Agreement with Massachusetts Electric Company / National Grid for parking purposes on the easterly side of Elm Street, on such terms and conditions as the Board of Selectmen deems to be reasonable, appropriate and in the best interests of the Town, and further to authorize the Board of Selectmen to negotiate, execute, and deliver such documents as may be necessary to carry out the purpose of this article, and further to appropriate the sum of Seven Hundred Dollars and No Cents (\$700.00) as the annual license fee from Utilities and Facilities Expenses (Account #11405-57000); or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 15:**

**AUTHORIZATION TO ENTER INTO PILOT AGREEMENT**

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into Payment in Lieu of Taxes (PILOT), also known as a "PILOT Agreement" pursuant to General Laws, Chapter 59, Section 38H(b), or any other enabling authority, in a form as is acceptable to the Board of Selectmen, between the Town of Spencer and Spencer Solar Farm, LLC, its successor, assignee or affiliate, as negotiated by the Board of Selectmen for payment of for taxes attributable to a solar photovoltaic facility installed or to be installed on property located at North Brookfield Road as shown on Assessors Map R39-14, on land owned by Sunpin Solar Development, LLC, on such terms and conditions and for a term of years as the Board of Selectmen deems in the best interest of the Town, but not to exceed twenty (20) years, and further to take any other action necessary or convenient for the implementation and administration of such agreement to carry out the vote taken hereunder; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 16:**

**AUTHORIZATION TO AMEND THE GENERAL BYLAWS**

To see if the Town will vote to amend Article 2, Section 12 (Town Administration - Employment Contracts) of the Town's General Bylaws by adding the position of Police Lieutenant to the list of employees with whom the Town Administrator may enter into contracts, so that the first sentence of Section 12 shall now read as follows, with addition in bold: "The Town Administrator may negotiate and execute an employment contract for a period of time not to exceed three years to provide for the performance standards, salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties of office, liability insurance, performance standards, and leave for all department heads, the Town Accountant, the Inspector of Buildings, **and the Police Lieutenant.**"; or take any action in relation thereto. *(Sponsored by the Board of Selectmen and Town Administrator)*

**Article 17:**

**AUTHORIZATION TO AMEND THE GENERAL BYLAWS**

To see if the Town will vote to amend Article 9, Section 8 (Animal Control – Boarding Rate) of the General Bylaws by deleting the current text of said section and inserting in place thereof the following text: "The boarding rate for impoundment of dogs and cats shall be \$15.00 per day or any portion thereof," or take any action in relation thereto. *(Sponsored by the Board of Selectmen and Town Administrator)*

**Article 18:**

**AUTHORIZATION TO AMEND THE GENERAL BYLAWS**

To see if the Town will vote, in accordance with General Laws, Chapter 44, Section 53E½, to amend the General Bylaws, Article 2, Section 15, entitled "Departmental Revolving Funds", by deleting the row for the revolving fund entitled "Sugden Block" in the table following Section 5 of said bylaw, thereby eliminating such revolving fund, and, further, to transfer all remaining funds to the General Fund, or take any action in relation thereto. *(Sponsored by the Board of Selectmen and the Town Administrator)*

**Article 19:**

**AUTHORIZATION TO ESTABLISH A CONSERVATION FUND**  
**(BY PETITION)**

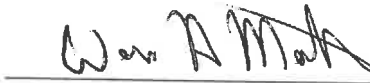
To see if the Town will vote to appropriate from the tax levy an amount equal to 10% of tax revenue or payments in lieu of taxes from all commercial solar installations within the Town of Spencer to a Conservation Fund account under G.L. c.40, s. 8C to be used as approved by the Conservation Commission such terms and conditions as they determine in the best interests of the Town, or take any action relating thereto.


*Continued on next page:*


And you are directed to serve this warrant, by posting an attested copy in at least three places fourteen (14) days at least before the time of holding said meeting.


HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 21st day of October in the year of our Lord two thousand and nineteen.

  
\_\_\_\_\_  
Anthony D. Pepe, Chairman

  
\_\_\_\_\_  
Warren A. Monette, Vice Chairman

  
\_\_\_\_\_  
Wendy S. Berthiaume, Clerk

  
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Gary E. Woodbury, Member

  
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Ralph E. Hicks, Member

Board of Selectmen

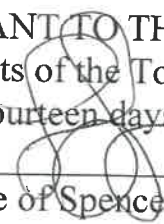
A true copy. Attest.

\_\_\_\_\_  
Constable

Worcester, SS.

\_\_\_\_\_  
Date

PURSUANT TO THE WITHIN WARRANT, I have posted and warned the inhabitants of the Town of Spencer by posting an attested copy in at least three places at least fourteen days before the date of the meeting, as within directed.

  
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Constable of Spencer

NOTICE: Persons needing a sign language interpreter or other hearing assistance device, please contact the Board of Selectmen.